

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

<b>JOSEPH PERONACE</b>	:	<b>Civil Action</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA</b>	:	Formerly
	:	
	:	<b>Court of Common Pleas</b>
	:	<b>Trial Division—Civil</b>
	:	<b>April Term, 2023</b>
<b>Defendant</b>	:	<b>No. 230401756</b>
	:	
	:	<b>JURY TRIAL DEMANDED</b>

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant City of Philadelphia, timely removes this action from the Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania on the following grounds:

1. On September 13, 2023 Plaintiffs initiated this action by Complaint in the Court of Common Pleas in Philadelphia, April Term, 2023; No. 230401756. (Exhibit “A.”)
2. In Paragraphs 24 and 25 of the Complaint, the plaintiff seeks relief against the petitioner pursuant to 42 U.S.C. § 1983 for alleged deprivations of his rights protected by the Constitution of the United States. (Id.)
3. 28 U.S.C. § 1331 states that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over the claims alleged by Plaintiff, pursuant to 28 U.S.C. § 1331.
4. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over the claims alleged by Plaintiff, pursuant to 28 U.S.C. § 1331.
5. True and correct copies of this Notice of Removal with accompanying exhibits and

separate Notice to State Court of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit “B,” will be served upon the plaintiff and filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, in accordance with the provisions of 28 U.S.C. § 1446(d).

6. In filing this Notice of Removal, the petitioners do not waive any available defenses in this action.

WHEREFORE, Defendant City of Philadelphia respectfully requests that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Irene Lu  
Assistant City Solicitor

/s/ Irene Lu  
Irene Lu  
Assistant City Solicitor  
Pa. Attorney ID No. 318310  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-2971 (phone)  
(215) 683-5397 (fax)  
Irene.Lu@phila.gov

Date: October 12, 2023

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>JOSEPH PERONACE</b>	:	<b>Civil Action</b>
<b>Plaintiff</b>	:	
	:	
v.	:	
	:	
<b>CITY OF PHILADELPHIA</b>	:	Formerly
	:	
	:	<b>Court of Common Pleas</b>
	:	<b>Trial Division—Civil</b>
	:	<b>April Term, 2023</b>
<b>Defendant</b>	:	<b>No. 230401756</b>
	:	
	:	<b>JURY TRIAL DEMANDED</b>

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**NOTICE OF FILING OF REMOVAL**

TO: ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN & SCHMIDT  
Jeffrey I. Zimmerman, Esquire  
Attorney I.D. No. 30600  
Jeffrey D. Schmidt, Esquire  
Attorney I.D. No. 91583  
175 Bustleton Pike  
Feasterville, PA 19053  
(215) 953-2706

PLEASE TAKE NOTICE THAT on October 12, 2023 the defendant, City of Philadelphia, filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

/s/ Irene Lu  
Irene Lu  
Assistant City Solicitor  
Pa. Attorney ID No. 318310  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102  
(215) 683-2971 (phone)  
(215) 683-5397 (fax)  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>JOSEPH PERONACE</b>	:	<b>Civil Action</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA</b>	:	Formerly
	:	
	:	<b>Court of Common Pleas</b>
	:	<b>Trial Division—Civil</b>
	:	<b>April Term, 2023</b>
<b>Defendant</b>	:	<b>No. 230401756</b>
	:	
	:	<b>JURY TRIAL DEMANDED</b>

---

**CERTIFICATE OF SERVICE**

I, Irene Lu, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal will be served upon the following by ECF filing:

TO: ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN & SCHMIDT  
Jeffrey I. Zimmerman, Esquire  
Attorney I.D. No. 30600  
Jeffrey D. Schmidt, Esquire  
Attorney I.D. No. 91583  
175 Bustleton Pike  
Feasterville, PA 19053  
(215) 953-2706

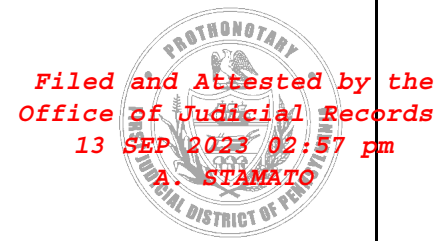
Date: October 12, 2023

/s/ Irene Lu  
Irene Lu  
Assistant City Solicitor  
Pa. Attorney ID No. 318310  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-2971 (phone)  
(215) 683-5397 (fax)  
Irene.Lu@phila.gov

(215) 683-5397 (fax)  
Irene.Lu@phila.gov

# Exhibit “A”

ROVNER, ALLEN, ROVNER,  
 ZIMMERMAN, SIGMAN & SCHMIDT  
 By: Jeffrey I. Zimmerman, Esquire  
 Attorney I.D. No. 30600  
 By: Jeffrey D. Schmidt, Esquire  
 Attorney I.D. No. 91583  
 175 Bustleton Pike  
 Feasterville, PA 19053  
 (215) 953-2706



Attorneys for Plaintiff

JOSEPH PERONACE	:	COURT OF COMMON PLEAS
339 Zane Avenue	:	PHILADELPHIA COUNTY
Jenkintown, PA 19046	:	
	:	APRIL TERM, 2023
v.	:	NO.: 1756
CITY OF PHILADELPHIA	:	ASSESSMENT OF DAMAGES
Law Department	:	HEARING IS REQUIRED
1515 Arch Street	:	
15th Floor	:	JURY TRIAL DEMANDED
Philadelphia, PA 19102	:	TWELVE JURORS REQUESTED

### CIVIL ACTION COMPLAINT

#### "NOTICE"

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE  
 One Reading Center  
 1101 Market Street  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6333

#### "AVISO"

"Le han demandado en corte. Si usted desea defender contra las demandas dispuestas en las páginas siguientes, usted debe tomar la acción en el plazo de veinte (20) días después de esta queja y se sirve el aviso, incorporando un aspecto escrito personalmente o y archivando en escribir con la corte sus defensas u objeciones a las demandas dispuestas contra usted el abogado le advierte que que si usted no puede hacer así que el caso puede proceder sin usted y un juicio se puede incorporar contra usted compra la corte sin aviso adicional para cualquier dinero demandado en la queja o para cualquier otra demanda o relevación pedida por el demandante. Usted puede perder el dinero o la característica de otra endereza importante a usted.

USTED DEBE LLEVAR ESTE PAPEL SU ABOGADO INMEDIATAMENTE. SI USTED NO HACE QUE UN ABOGADO VAYA A O LLAME POR TELÉFONO La OFICINA DISPUESTA ABAJO. ESTA OFICINA PUEDE PROVEER DE USTED LA INFORMACIÓN SOBRE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PERMITIRSE AL HIRE A UN ABOGADO, ESTA OFICINA PUEDE PODER PROVEER DE USTED LA INFORMACIÓN SOBRE LAS AGENCIAS QUE LOS SERVICIOS JURÍDICOS DE LA OFERTA DE MAYO A LAS PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO O NINGÚN HONORARIO

SERVICIO DE REFERENCIA LEGAL  
 One Reading Center  
 1101 Market Street  
 Filadelfia, Pennsylvania 19107  
 Teléfono (215) 238-6333



1. The Plaintiff, Joseph Peronace, is an adult individual and resides at 339 Zane Avenue, Jenkintown, PA 19046.

2. The Defendant, City of Philadelphia, is a municipal corporation created and existing under the laws of the Commonwealth of Pennsylvania with an office for acceptance of service at c/o City of Philadelphia - Law Department, 1515 Arch Street, 15<sup>th</sup> Floor, Philadelphia, Pennsylvania 19106, and conducting business in said Commonwealth.

3. At all times material and relevant to the instant Complaint, the Defendant owned, operated, managed, controlled, supervised the daily operations and running of a prison, jail, incarceration facility, detention center and/or correctional facility known and designated as “Curran Fromhold Correctional Facility” and located at 7901 State Road, Philadelphia, Pennsylvania.

4. At all times material and relevant hereto, the Defendant herein acted through the conduct of their servants, agents and employees, including guards and correctional officers, said individuals acting on behalf of the Defendant and in the course of the performance of their official duties.

5. At all times material and relevant hereto, the Defendant was required to prevent, avoid and refrain from taking any actions which they should reasonably expect to cause injuries to inmates, including the Plaintiff herein.

6. On or about May 19, 2022, the Plaintiff, Joseph Peronace, was incarcerated at the Defendant’s prison facility, known as “Curran Fromhold Correctional Facility” and located at 7901 State Road, Philadelphia, Pennsylvania for criminal charges related to non-violent offenses.

7. Upon the commencement of the intake process, the Defendant’s medical staff had difficulty locating a vein from which blood could be drawn.

8. Due to the inability to locate a viable vein for a blood draw, the Plaintiff was wrongfully and punitively designated as non-compliant during the intake process and placed into a cell in C-block.

9. Following the placement of the Plaintiff into a jail cell, he suffered a series of three seizures, causing his legs to become numb and unresponsive.

10. Due to the numbness and unresponsiveness of his legs, the Plaintiff was unable to bear weight, ambulate or move from any position without assistance.

11. Due to the numbness and unresponsiveness of his legs, the Plaintiff was unable to ambulate or otherwise gain access to the toilet in his jail cell when he needed to relieve himself.

12. During this time period, the Plaintiff made requests on several occasions for assistance to go to the bathroom, said requests which were denied, causing the Plaintiff to lose control and void urine and stool in his clothing.

13. Despite requests for assistance, the Plaintiff was forced to remain lying in his own waste for extended periods of time.

14. On three occasions, the Plaintiff's jail cell was unlocked and unknown and unidentified individuals were permitted to enter the said jail cell and assault the Plaintiff with punches and kicks.

15. The Plaintiff made repeated requests to be seen by Defendant's medical staff, said requests which were ignored.

16. On or about May 30, 2022 or May 31, 2022, the Plaintiff was transferred to Jefferson Torresdale Hospital where he was finally permitted to receive medical treatment.

17. At all times material and relevant to the instant Complaint, the Defendant acted through its employees, agents and prison guards/corrections officers under color of state law and utilized such power to compel the Plaintiff to comply with all orders and directives directed to him.

18. At all times material and relevant to the instant Complaint, the Defendant acted through its employees, agents and prison guards/corrections officers, under color of state law, and exercised dominion and control over the Plaintiff's person, and pursuant to such power, made decisions as to when and whether the Plaintiff would have access to medical care.

19. At all times material and relevant to the instant Complaint, the Defendant acted through its employees, agents and prison guards/corrections officers, under color of state law, and exercised dominion and control over the Plaintiff's person, and pursuant to such power, permitted or caused unknown and unidentified individuals to enter his jail cell and assault the Plaintiff.

20. At all times material and relevant to the instant matter, the Defendant was aware of the Plaintiff's repeated requests for medical assistance and his need for such assistance and care when having significant medical issues.

21. At all times material and relevant to the instant matter, the Defendant was aware that individuals intending to assault the Plaintiff should be denied to his jail cell and to his person.

22. The negligent, reckless and outrageous conduct of the Defendants consisted, inter alia, of the following:

(a) failing to provide the Plaintiff with necessary and appropriate medical care upon being informed by the Plaintiff that his legs were numb, unresponsive and that he could not ambulate;

(b) failing to provide the Plaintiff with necessary and appropriate medical care upon requests for medical assistance;

(c) failing to provide the Plaintiff with assistance to access the toilet when he was unable to do so without assistance due to the numbness and unresponsiveness of his legs and his inability to ambulate;

(d) causing the Plaintiff remain in his own unsanitary urine and fecal waste for and extended periods of time when the Defendant was aware that he was physically unable to clean himself;

(e) permitting, allowing or causing unknown and unidentified individuals to enter the Plaintiff's jail cell to assault him; and

(f) permitting, allowing or causing unknown and unidentified individuals to enter the Plaintiff's jail cell when the Defendant's employees were aware of the intent of said individuals to assault and cause harm to the Plaintiff;

23. The conduct of the Defendant, as set forth above, acting under color of state law, was recklessly and deliberately indifferent to the safety, bodily integrity well-being and liberty of the Plaintiff, and was committed in conscious disregard for the substantial risk of causing harm to the Plaintiff, and was so egregious as to shock the conscience.

24. The conduct of the Defendant, as set forth, above violated Plaintiff's constitutional rights as follows:

- (a) right to liberty;
- (b) right to reasonable personal safety while in custody;
- (c) right to medical care when in custody;
- (d) right to be free from unsanitary conditions when in custody;
- (e) right to reasonable and necessary assistance with movement by the Defendant;
- (f) right to be free from cruel and unusual punishment; and

(g) protection of health and welfare;

(h) substantive and procedural due process as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and are remediable pursuant to 42 U.S.C. § 1983.

25. The conduct of the Defendant as set forth above violated Plaintiff's constitutional rights to be free from cruel and unusual punishment as guaranteed by the Eighth Amendment to the United States Constitution, as the Defendant (1) was aware of the unjustifiable risk to the Plaintiff, (2) failed to take reasonable steps to abate the risks, and (3) the expected harm did occur, and, as such, and are remediable pursuant to 42 U.S.C. § 1983.

26. As a direct and proximate result of the violations of the Plaintiff's civil rights, the Plaintiff's was caused to suffer severe and debilitating injuries as set forth above and herein.

27. As the direct and proximate result of this accident, the Plaintiff, Joseph Peronace, has suffered serious and permanent injuries, including periods of immobilization, periods of being forced to remain in his own waste including urine and feces, blunt trauma from being assaulted by kicks and punches; contusions and abrasions, severe damage to his nerves and nervous system, and various other ills and injuries.

28. As a further result of this accident, the Plaintiff has been obligated to receive and undergo medical attention and care for his injuries, and to incur various expenses for said care, and he may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

29. As a further result of this accident, the Plaintiff has suffered an injury which may be in full or part a cosmetic disfigurement which is or may be permanent, irreparable, or severe.

30. As a further result of this accident, the Plaintiff has been unable to attend to his daily chores, duties and occupations, and may be unable to do so for an indefinite time in the future.

31. As a further result of this accident, the Plaintiff has or may suffer severe loss of his earnings and impairment of his earning capacity and power, and may continue to suffer such a loss for an indefinite time in the future.

32. As a direct and reasonable result of the accident, the Plaintiff has and may continue to in the future incur other financial expenses or losses which to which he may otherwise be entitled to recover.

33. As a further result of the accident, the Plaintiff has suffered severe physical pain, aches, mental anguish, and humiliation, inconveniences, and loss of life's pleasures, and he may continue to suffer the same for an indefinite time in the future.

**WHEREFORE**, the Plaintiff, Joseph Peronace, demands damages of the Defendant, City of Philadelphia, in a sum in excess of \$50,000.00, plus interest, costs and attorneys fees.

**ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN & SCHMIDT**

By: /s/ Jeffrey I. Zimmerman  
JEFFREY I. ZIMMERMAN, ESQUIRE  
JEFFREY D. SCHMIDT, ESQUIRE  
Attorneys for Plaintiff,  
Joseph Peronace

ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN & SCHMIDT

By: Jeffrey I. Zimmerman, Esquire

Attorney I.D. No. 30600

By: Jeffrey D. Schmidt, Esquire

Attorney I.D. No. 91583

175 Bustleton Pike

Feasterville, PA 19053

(215) 953-2706

Attorneys for Plaintiff

JOSEPH PERONACE	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
v.	:	
	:	APRIL TERM, 2023
CITY OF PHILADELPHIA	:	NO.: 1756

**CERTIFICATE OF SERVICE**

I, JEFFREY I. ZIMMERMAN, Esquire, hereby certify that on this 13<sup>th</sup> day of September 2023, I served a true and correct copy of Plaintiff's Complaint by electronic filing and first class mail on:

City of Philadelphia

ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN AND SCHMIDT

BY: /s/Jeffrey I. Zimmerman  
JEFFREY I. ZIMMERMAN  
Attorney for Plaintiff

ROVNER, ALLEN, ROVNER,  
ZIMMERMAN, SIGMAN & SCHMIDT

By: Jeffrey I. Zimmerman, Esquire

Attorney I.D. No. 30600

By: Jeffrey D. Schmidt, Esquire

Attorney I.D. No. 91583

175 Bustleton Pike

Feasterville, PA 19053

(215) 953-2706

Attorneys for Plaintiff

JOSEPH PERONACE	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
v.	:	
	:	APRIL TERM, 2023
CITY OF PHILADELPHIA	:	NO.: 1756

**VERIFICATION**

I, Jeffrey I. Zimmerman, Esquire, being duly sworn according to law, deposes and says that he is authorized to make this Verification on behalf of the Plaintiff and that the facts set forth in the foregoing Pleading are true and correct to the best of his knowledge, information and belief.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

/s/ Jeffrey I. Zimmerman  
Jeffrey I. Zimmerman

Date: September 13, 2023



# Exhibit “B”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

<b>JOSEPH PERONACE</b> <b>Plaintiff</b>	:	<b>Civil Action</b>
	:	
	:	
v.	:	
	:	
<b>CITY OF PHILADELPHIA</b>	:	Formerly
	:	
	:	<b>Court of Common Pleas</b>
	:	<b>Trial Division—Civil</b>
	:	<b>April Term, 2023</b>
<b>Defendant</b>	:	<b>No. 230401756</b>
	:	
	:	<b>JURY TRIAL DEMANDED</b>

---

**NOTICE OF REMOVAL**

**To the Office of Judicial Records:**

Pursuant to 28 U.S.C. § 1446(d), Defendants, City of Philadelphia hereby give notice that it has filed in the United States District Court for the Eastern District of Pennsylvania the attached Notice of Removal (without exhibits) of the above-captioned action.

Pursuant to 28 U.S.C. § 1446, the filing of this Notice effects the removal of this action to the federal court, and this Court is directed to “proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Respectfully submitted,

Date: October 12, 2023

/s/ Irene Lu  
Irene Lu  
Assistant City Solicitor  
Pa. Attorney ID No. 318310  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-2971 (phone)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

JOSEPH PERONACE

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

ROVNER, ALLEN, ROVNER, ZIMMERMAN, SIGMAN & SCHMIDT  
175 Bustleton Pike, Feasterville, PA 19053  
(215) 983-2706

**DEFENDANTS**

CITY OF PHILADELPHIA

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

IRENE LU, CITY OF PHILADELPHIA LAW DEPARTMENT,  
1515 ARCH ST, 14TH FL, PHILADELPHIA PA 19102

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983

Brief description of cause:  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/12/2023

/s/ IRENE LU

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: ROVNER, ALLEN, ROVNER, ZIMMERMAN, SIGMAN & SCHMIDT, 175 Bustleton Pike, Feasterville, PA 19053

Address of Defendant: c/o IRENE LU, 1515 ARCH STREET 14TH FL, PHILADELPHIA PA 19102

Place of Accident, Incident or Transaction: PHILADELPHIA, PA

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/12/2023 /s/ IRENE LU 318310  
*Attorney-at-Law / Pro Se Plaintiff* *Attorney I.D. # (if applicable)*

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☒ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, IRENE LU, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 10/12/2023 /s/ IRENE LU 318310  
*Attorney-at-Law / Pro Se Plaintiff* *Attorney I.D. # (if applicable)*

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

